

NOV 23 2005

REMARKS

Applicant respectfully acknowledges receipt of the Office Action mailed August 25, 2005. In response thereto, Applicant amends the first paragraph of the specification, and amends the claims and adds new claim 3. Applicant requests favourable reconsideration in view of the amendments and the submissions which follow.

Specification

The Examiner required Applicant to update the status of the priority applications listed in the first paragraph of the specification. That paragraph has been amended accordingly.

Claim Objections

The Examiner required a correction of an informality in claim 1. That claim has been cancelled.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102 (b) as being anticipated by Beguiristain (US 3,612,089). Applicant has cancelled claim 1 and has amended claim 2 into independent form by including in it substantially the limitations of claim 1. It is submitted that amended claim 2 is not anticipated by Beguiristain, for the following reasons. Claim 2 requires that the check valve include both a needle valve and a needle valve guide.

Beguiristain does not disclose any such elements. The element in Beguiristain that the Examiner identifies as a needle valve is in fact a plunger 44 that is used to push the ball valve 32 out of sealing engagement with the ball valve seat 31. Further, the elements in Beguiristain that the Examiner identifies as a needle valve guide are actually a guide tube 43 for the plunger 44, the tube 29 in which the ball valve 32 and float 33 travel, and a retaining nut 27 that holds the connector tube on the container. As stated in Beguiristain at column 3, lines 15 to 17, "By manually depressing the plunger 44, the ball 32 is forced from its seat 31 to drop downwardly through the guide tube to again rest upon the float 33." It is apparent that Beguiristain does not have any needle valve, but rather a ball valve. The claim is accordingly not anticipated.

New claim 3 is added to further define the check valve. Like claim 2, it specifically requires a needle valve and a needle valve guide for slidably retaining the needle valve. Claim 3 is accordingly not anticipated by Beguiristain.

Double Patenting

The Examiner has rejected claim 1 on the basis of obviousness-type double patenting as being unpatentable over claims 1 - 9 and 12 of U.S. Patent No. 5,741,237 A. Applicant has cancelled claim 1 and this rejection is accordingly submitted to be moot.

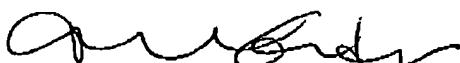
The Examiner has also rejected claims 1 and 2 on the basis of obviousness-type double patenting as being unpatentable over claims 2, 6 and 17 of Applicant's U.S. Patent No. 6,652,495 (the '495 Patent). Claim 1 has been cancelled. It is submitted that the rejection should be withdrawn in respect of amended claim 2. Claim 2 (and new claim 3) are narrow claims that are patentably distinct from claims 2, 6 and 17 of the '495 Patent. Claims 2 and 17 of the '495 Patent simply specify, in respect of a check valve, that there is a check valve on the canister lid operably coupled to the vacuum port. Claim 6 of the '495 patent recites that the check valve comprises a floatball operably coupled to a needle valve. In contrast, Applicant's claim 2 requires a floatball cage for housing the floatball and also requires that the floatball cage comprises a needle valve guide. Applicant's new claim 3 requires a cage for housing the floatball and a needle valve guide for slidably retaining the needle valve, the needle valve being positioned to be engaged by the floatball to close the vacuum port. These features of Applicant's claims 2 and 3 are not present in claims 2, 6 or 17 of the '495 Patent. Nor are these features disclosed in the Beguiristain reference cited by the Examiner. Applicant's claim 2 and (and new claim 3) define inventions that are not obvious in view of claims 2, 6 and 17 of the '495 Patent. The double patenting rejection based on the '495 Patent should be withdrawn.

Conclusion

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections and allow all claims.

Respectfully submitted,

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